

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 23145 OF 2006

Between :

Smt. Nekenti Sirisha @ Goli Sirisha,
R/o Venkatanarayana Nagar, Palangi, W.G. District
And others

... Petitioners

And :

The District Collector, E..G. District, Kakinada
And others

... Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 23145 OF 2006

ORAL ORDER :

The writ petition is filed on an apprehension, drawn from some physical action said to have been taken by officers of the 2nd and 3rd respondents, that the petitioner would be dispossessed of agricultural land in an extent of ac.13.17 cts, in Sy.Nos. 191/2, 192/1,186, 192/2, 187/4, 193/1 of Gandepally village and Mandal, E.G. District.

The petitioners assert that no proceedings under the provisions of the Land Acquisition Act 1894 or any other law applicable to acquisition of property of a citizen has been initiated till date. While so, it is contended, in the last week of October the officers of respondents 2 and 3 visited the lands in question and orally informed the farm servant by name Koti Reddy that the lands in question were needed for providing house sites for landless poor persons under the INDIRAMMA Padhakam and they would come and dispossess the

petitioners from the lands. The petitioners apprehend that the respondents 2 and 3 would act as threatened. The petitioners assail the potential acquisition on several grounds, which need not be considered in this writ petition.

As on date the petitioners have not yet been dispossessed. Without initiating any formal proceedings under the provisions of the Act or any other law authorizing acquisition of private property of a person, no person including a person in public office, can dispossess a citizen of the ownership, possession or enjoyment of the lands. If any official does so, their action would be contrary to the law and is liable to be repulsed by the petitioners or the person in possession, if necessary by exercising the right of private defence. In case such action is taken by the officials the petitioners also have a remedy of complaining to the Police of criminal trespass and if such a complaint is made the police are bound to register the complaint, proceed to investigate and also employ coercive and sovereign powers of the State to prevent such criminal trespass including by public officials. The petitioners also have a remedy to approach the jurisdictional Civil Court for injunctive relief.

In the light of the availability of a plurality of remedies mentioned above, this court finds no ground for interference u/Art. 226 of the Constitution. The writ petition is accordingly dismissed. The petitioners are at liberty to pursue appropriate remedies. No costs.

Dt: 08.11. 2006

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CC on Monday
G.Raghuram
B/o
Pvsn

Justice